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**FILED**

MAY 02 2007

5-2-07

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

THERESE M. COUTRE

) TRIAL BY JURY DEMANDED

)  
)

Plaintiff

07CV2425

v.

JUDGE GUZMAN

NATIONAL MATERIAL, L.P.

MAGISTRATE JUDGE MASON

Defendant

)

**COMPLAINT**

**JURISDICTION AND VENUE**

This is a claim for relief under the Age Discrimination in Employment Act, 29 U.S.C. 621 et seq. Jurisdiction is posited upon 28 U.S.C. 1331 and 1343(4). The conduct complained of occurred within this judicial district at or near Elk Grove Village, Illinois.

**ADMINISTRATIVE PROCEDURES**

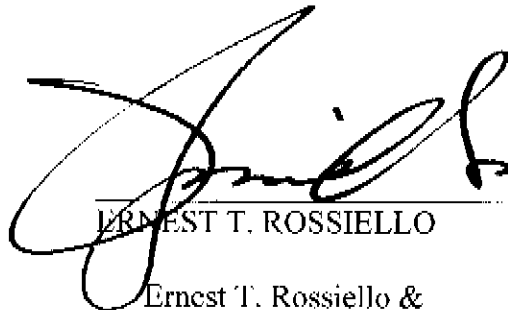
Prior to filing this suit, plaintiff filed a charge of discrimination, Ex. A, with the Illinois Department of Human Rights, which notified the Equal Employment Opportunity Commission of said charge. Said charge is incorporated herein by reference. More than 60 days have elapsed since filing the charge and the EEOC has not been able to eradicate the effects of the discrimination alleged by informal methods of conference, conciliation and persuasion.

**STATEMENT OF CLAIM**

On or about February 2, 2007 plaintiff was willfully discriminated against in the terms, conditions and privileges of her employment as "credit manager" at an annual salary of \$57,412.00 when she was maliciously discharged from her position because of her age, then replaced by two younger (men) employees on the pretext that her position was "eliminated".

**PRAYER FOR RELIEF**

WHEREFORE plaintiff, TIERESE M. COUTRE, ask the court to enter judgment in her favor, upon the verdict of a jury, and against NATIONAL MATERIAL, L.P., for all economic damages sustained, including liquidated damages, and for all reasonable relief, both legal and equitable, to which she may be entitled under 29 U.S.C. 626(b).



ERNEST T. ROSSIELLO

Ernest T. Rossiello &  
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312.346.8920

Attorney for Plaintiff

Date: May 2, 2007  
Chicago, Illinois

|   |  |   |                      |
|---|--|---|----------------------|
| <b>CHARGE OF DISCRIMINATION</b><br>This form is affected by the Privacy Act of 1974: See Privacy act statement before completing this form.   |  | <b>AGENCY</b><br><input checked="" type="checkbox"/> IDHR<br><input type="checkbox"/> EEOC  | <b>CHARGE NUMBER</b> |
| <b>Illinois Department of Human Rights and EEOC</b>   |  |   |                      |
| <b>NAME (indicate Mr. Ms. Mrs.)</b><br>Ms. THERESE M. COUTRE  |  | <b>HOME TELEPHONE (include area code)</b><br>(630) 980-1774   |                      |
| <b>STREET ADDRESS</b><br>230 Heritage Dr.   | <b>CITY, STATE AND ZIP CODE</b><br>Roselle IL 60172      | <b>DATE OF BIRTH</b><br>07 / 1 / 1950   |                      |
| <b>NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (IF MORE THAN ONE LIST BELOW)</b>  |  |   |                      |
| <b>NAME</b><br>NATIONAL MATERIAL L.P.   | <b>NUMBER OF EMPLOYEES, MEMBERS 15+ 15+</b>              | <b>TELEPHONE (Include area code)</b><br>(847) 806-7200  |                      |
| <b>STREET ADDRESS</b><br>1965 Pratt Blvd.   | <b>CITY, STATE AND ZIP CODE</b><br>Elk Grove Village, IL | <b>COUNTY</b>   |                      |
| <b>NAME</b>   |  | <b>TELEPHONE (include area code)</b>  |                      |
| <b>STREET ADDRESS</b>   |  | <b>CITY, STATE AND ZIP CODE</b>   |                      |
| <b>CAUSE OF DISCRIMINATION BASED ON:</b><br>Age Discrimination.   |  | <b>DATE OF DISCRIMINATION</b><br>EARLIEST (ADEA/EPA) LATEST (ALL)<br>FEB 2 2007<br><input type="checkbox"/> CONTINUING ACTION   |                      |
| <b>THE PARTICULARS ARE (if additional space is needed attach extra sheets)</b><br>See Attachment.   |  |   |                      |
| DEPT. OF HUMAN RIGHTS<br>INTAKE UNIT<br>FEB 23 2007<br>RECEIVED<br>BY _____   |  | DEPARTMENT OF HUMAN RIGHTS<br><b>VISITOR'S</b><br>FEB 23 2007   |                      |
| <b>Ernest T. Rossiello</b><br>Attorney at Law<br>134 North LaSalle St., #1330<br>Chicago, IL 60602-1137<br>(312) 346-8920   |  | I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures. |                      |
| <b>OFFICIAL SEAL</b><br><b>ERNEST T ROSSIELLO</b><br>NOTARY PUBLIC - STATE OF ILLINOIS<br>MY COMMISSION EXPIRES 03/03/11  |  | <b>SUBSCRIBED AND SWORN TO BEFORE ME ON THIS</b><br>FEB 22 2007<br>NOTARY SIGNATURE MONTH DATE-YEAR   |                      |
| <b>NOTARY SEAL</b>  |  | X <i>Therese Coutre</i> FEB 22 2007<br>SIGNATURE OF COMPLAINANT DATE  |                      |
| I declare under penalty that the foregoing is true and correct I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. |  | FOMI 5 (5/05)   |                      |

**PLAINTIFF'S  
EXHIBIT**
**A-1**

**STATEMENT OF PARTICULARS**

Since May 20<sup>th</sup> 2000, I have been employed by NATIONAL MATERIAL, LP. My most recent position was that of credit manger at an annual salary of \$57,412.00.

On or about February 2<sup>nd</sup> 2007, I was informed that my position was being eliminated. I have learned that my position was not eliminated; instead, my position was occupied by two younger men earning significantly less than what I was earning. I am presently 56 years of age, having been born on July 1, 1950.

My work performance was good, and I was meeting the reasonable expectations of my employer. I believe I have been discrimination against on the bascs of my age. As a result I have been economically harmed. I was given no particular reason for my separation other then a statement from my boss that I was, "too top heavy. They can't afford you anymore."

**Ernest T. Rossiello**  
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